

UESAKA *et al.*, SN 10/695,864
Resp. dated 03/25/2005
Reply to OA mailed 02/25/2005

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REMARKS

This Amendment is responsive to the Office Action identified above, and is further responsive in any other manner indicated below.

PENDING CLAIMS

Claims 1-16 were pending in the application, under consideration and subject to examination at the time of the Office Action. Unrelated to any prior art, scope or rejection, appropriate Claims have been amended, added or deleted (without prejudice or disclaimer of any scope or subject matter) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, the amendments to the claims are unrelated to any prior art or scope adjustment, and are simply clarified claims in which Applicant is presently interested. At entry of this paper, Claims 1-18 are now pending in the application for consideration and examination.

ELECTION REQUIREMENT - TRAVERSED

An election requirement has been made for the reasons beginning on page 2 of the Office Action. Applicant respectfully traverses based upon the following ground(s).

REASONABLE NUMBER OF SPECIES, WITH GENERIC CLAIM

As traversal, 37 CFR §1.141 provides that more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one application providing the application also includes an

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allowable generic claim to all of the claimed species and all claims to the species in excess of one are written in dependent form or otherwise include the limitations of an allowable generic claim. Since Applicant believes that at least presently-added Claim 17 is allowable and is generic, and that all other pending claims contain limitations of such generic claim, Applicant respectfully submits that the election of species requirement should be withdrawn and all claims considered and allowed.

RELATED INVENTIONS - NO SERIOUS BURDEN FOR EXAMINATION

As further traversal, presuming *arguendo* that one could establish that the subject matter recited in the claims in issue relating to the respective embodiments of the present invention relate to independent and distinct inventions as required by 35 USC §121, as pointed out in §803 of the Manual of Patent Examining Procedure, if a search and an examination of an entire application can be made without serious burden, the Examiner must examine the entire application on the merits even though the application includes claims to distinct or independent inventions. In view of the fact that all claims are related to a narrow-directional probe in order to narrow an intensity distribution of an electromagnetic field through similar operations and/or effects, and given the fact that the allegedly differing sets of Applicant's claims contain similar, analogous and/or overlapping limitations, it is respectfully submitted that search and examination of an entirety of the claims in the instant application would not create a serious burden on the part of the United States Patent and Trademark Office. Accordingly, since the Examiner must examine the entire application, the Restriction/Election should be withdrawn.

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PROVISIONAL ELECTION

In order to comply with the requirement, Applicant provisionally elects, with traverse, for prosecution on the merits, Species I, FIG. 1, including at least Claims 1-18.

NO ADMISSION - RESTRICTION/ELECTION

Applicant submits that the instant response (including the comments submitted and the provisional election) is not an admission on the record that the respective species are separately distinct species and/or obvious variants.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer of any scope or subject matter. Further, Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, *i.e.*, Applicant continues (Indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

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EXAMINER INVITED TO TELEPHONE

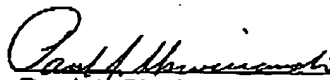
The Examiner is invited to telephone the undersigned at the local D.C. area number 703-312-6600, to discuss an Examiner's Amendment or other suggested action for accelerating prosecution and moving the present application to allowance.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

This Amendment/Response is being filed within the shortened statutory period for response set by the 25 February 2005 Office Action, and therefore, no Petition or extension fee is required for entry of this paper. To whatever other extent is actually required, Applicant respectfully petitions the Commissioner for an extension of time under 37 CFR §1.136. No additional claims fees are required for entry of this paper. Please charge any actual required fee to ATS&K Deposit Account No. 01-2135 (as Case No. 500.43242X00).

Respectfully submitted,



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